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Attorneys for Defendants,

COUNTY OF LOS ANGELES and DEPUTY TRAVIS KELLY

(Defendants is exempt from filing fees pursuant to Government Code § 6103)

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

JOSHUA ASSIFF,

Case No.: 2:22-cv-05367 RGK(MAAx)

Plaintiffs,

V.

COUNTY OF LOS ANGELES;
SHERIFF DEPUTY BADGE
NUMBER 404532; And DOES 1
through 10,

Defendants.

**DECLARATION OF MOLSHREE
GUPTA, ESQ. IN SUPPORT OF
DEFENDANTS' MOTIONS IN LIMINE**

(Filed Concurrently with Defendants' Motion in Limine Nos. 1-9)

Action Filed: August 3, 2022
Pretrial Conference: July 10, 2023
Trial Date: July 25, 2023

Assigned to:
Hon. R. Gary Klausner, District Judge
Courtroom 850

DECLARATION OF MOLSHREE GUPTA, ESQ.

I, MOLSHREE GUPTA, ESQ., declare and state as follows:

1. I am an attorney at law duly licensed to practice as such before all the courts of the State of California and am a partner in the law offices of Kjar, McKenna & Stockalper, LLP, attorneys of record for moving parties, Defendants COUNTY OF LOS ANGELES and SERGEANT TRAVIS KELLY (collectively, "Defendants") in the action entitled *Assiff v. County of Los Angeles, et al*, Case Number 2:22-cv-05367 RGK(MAAx).

2. I have personal knowledge of the matters set forth herein, and if called to testify, I could and would competently testify to the facts set forth in this Declaration based upon my personal knowledge.

3. This declaration is made in connection with Defendants' Motions in *Limine* in the above-entitled matter.

4. On June 8, 2023, and on June 9, 2023, counsel for Defendants wrote to counsel for Plaintiff to request to meet and conferred on the substance of this Motion in Limine. Attached hereto and marked as **Exhibit “A”**, filed concurrently herewith and incorporated herein by this reference is a true and correct copy of my June 8, 2023, and on June 9, 2023, meet and confer correspondence to Plaintiff’s counsel regarding the substance and grounds of the Defendants’ prospective Motions in *Limine*. No agreement could be reached.

5. On May 10, 2023, Plaintiff made an expert disclosure which attached an expert report which provided no facts, opinions or conclusions with respect to either Plaintiff's claims or allegations regarding unlawful arrest, *Monell* liability or punitive damages. Attached hereto as **Exhibit "B"** is a true and correct copy of Plaintiff's May 10, 2023 Expert Disclosure, including the expert report of Jeffrey Nobel.

1 6. Plaintiff's Initial Disclosure - Damages provide that the "reasonable value
2 of the medical, psychological, hospital, nursing, and similar care and supplies that
3 plaintiff reasonably needed and actually obtained, and the present value of such care and
4 supplies that plaintiff is reasonably certain to need in the future... \$100,000.00," and
5 "reasonable value of legal services that plaintiff reasonably needed and actually obtained
6 to defend and clear himself... \$10,000." Attached hereto as **Exhibit "C"** is a true and
7 correct copy of Plaintiff's October 26, 2022 Initial Disclosure – Damages. No
8 supplemental disclosure has even been made.

9 7. Plaintiff's discovery responses and document production in this action only
10 identify the following special damages:

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|---|--------------------|
| 11 Henry Mayo | \$9067.10 |
| 12 Bail bond | \$2500.00 |
| 13 Towing | \$267.00 |
| 14 SC EMER MED GRP | \$492.00 |
| 15 Payam Yermain Chiropractor | \$3880.00 |
| 16 Total | \$16,206.00 |

17 Attached hereto as **Exhibit "D"** is a true and correct copy of Plaintiff's October 26, 2022
18 Initial Disclosure – Documents, and Plaintiff's Document Production 1-29 (redacted);
19 Attached hereto as **Exhibit "E"** is a true and correct copy of Plaintiff's February 24,
20 2023 Responses to Requests for Production of Documents, Set 1, and Plaintiff's
21 Document Production 32-39 (redacted).]

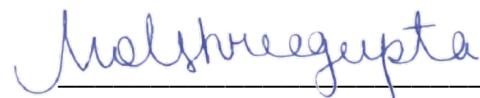
22 8. Plaintiff's production of evidence amounts of special damages of \$16,206 only,
23 nowhere near the \$110,000 claimed in his disclosure of damages
24 9. To date, Plaintiff has never provided any documents pertaining to, or identified
25 any treatment providers who gave, mental health care to address his purported
26 emotional distress.

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1 10. It should also be noted that Plaintiff has not provided any evidence to Defendants
2 that the bills have been paid in full.

3 I declare under penalty of perjury under the laws of the State of California that the
4 foregoing is true and correct.

5 Executed on June 9, 2023, at El Segundo, California.

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8 MOLSHREE GUPTA
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CERTIFICATE OF SERVICE

I am employed in the County of Los Angeles, State of California; I am over the age of eighteen years and not a party to the within action; my business address is 841 Apollo Street, Suite 100, El Segundo, California 90245.

On June 9, 2023, I served the foregoing document described as **DECLARATION OF MOLSHREE GUPTA, ESQ. IN SUPPORT OF DEFENDANTS' MOTIONS IN LIMINE #1-9** on all interested parties in this action by placing a true copy thereof in a sealed envelope addressed as follows:

SEE ATTACHED SERVICE LIST

By Mail I caused such envelope(s) to be deposited in the mail at El Segundo, California. The envelope was mailed with postage thereon fully prepaid and addressed to the parties listed on the Service List. I am "readily familiar" with the firm's practice of collection and processing correspondence for mailing. It is deposited with U.S. postal service on that same day in the ordinary course of business. I am aware that on motion of party served, service is presumed invalid if postal cancellation date or postage meter date is more than 1 day after date of deposit for mailing in affidavit.

XX **By Email** Based upon a court order or an agreement of the parties to accept electronic service, I caused the documents to be sent to the persons at the electronic service addresses listed in the Service List. My email address is mnixon@kmslegal.com.

By Personal Service I caused such document to be Personally Served on the parties listed in the Service List.

XX **State** I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Executed on June 9, 2023, at El Segundo, California.

Maria Nixon

1 **SERVICE LIST**

2 **Assiff, Joshua vs. County of Los Angeles, et al.**

3 Central District- Case No.: 2:22-cv-05367 RGK(MAAx)

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| 4 Thomas M. Ferlauto, Esq. 5 Law Office of Thomas M. Ferlauto, APC 6 25201 Paseo de Alicia, Ste. 270 7 Laguna Hills, CA 92653 8 EM: tmf@lawofficetmf.com | 9 Attorney for Plaintiff, 10 JOSHUA ASSIFF |
| 11 Philip Cohen, Esq. 12 Law Offices of Philip Kent Cohen, APC 13 100 Wilshire Boulevard, Suite 1300 14 Santa Monica, CA 90401 15 Telephone: 310/451-9111 16 Facsimile: 310/451-9119 17 EM: pcohen@pcohenlaw.com | 18 Co-Attorney for Plaintiff. 19 JOSHUA ASSIFF |